



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
LAND USE REGULATION COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

PATRICK McGOWAN  
COMMISSIONER

# PERMIT

## AMENDMENT A TO BUILDING PERMIT BP 6011

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by David McDonald, Paula McDonald William Seed, and Pam Seed for Amendment A to Building Permit BP 6011, finds the following facts:

1. Applicant: David and Paula McDonald  
William and Pam Seed  
183 Gunstock Hill Road  
Gilford, NH 03249
2. Date of Completed Application: November 19, 2004
3. Location of Proposal: Township C, Oxford County  
Taxation Lot #3 on Plan 01  
Pingree Associates Lease Lot #782-L
4. Zoning: (P-GP) Great Pond Protection Subdistrict
5. Lot Size: 1.36 Acres (leased)
6. Principal Building: Existing Seasonal Camp (24 ft. by 24 ft.)  
w/ Proposed Enclosure of Existing Porch (8 ft. by 24 ft.)  
w/ Proposed L-Shaped Porch (10 ft. by 24 ft. and 10 ft. by 26 ft.)
7. Sewage Disposal: Existing Primitive System with Pit Privy
8. Affected Waterbody: Lower Richardson Lake

The Commission has identified Lower Richardson Lake as a management class 7, resource class 1A, accessible, developed lake with the following resource ratings: outstanding fisheries resources, significant wildlife resources, significant scenic resources, outstanding shore character, significant cultural resources, significant physical resources.

9. In August of 1987, Building Permit BP 6011 was issued to Seven Islands Land Company for construction of a 25 foot by 32 foot seasonal camp with porch and installation of a primitive sewage disposal system with pit privy. The seasonal camp with porch was to be set back at least 75 feet from the normal high water mark of Lower Richardson Lake, the Commission's minimum waterbody setback requirement at the time. As build, the seasonal camp with porch is 24 feet by 32 feet in

dimension and is set back 81 feet from the normal high water mark of Lower Richardson Lake and 61 feet from the nearest property boundary line. The camp is accessed by a private drive and does not have frontage on any roads.

10. The applicants now seek amendment approval for construction of a 10 foot by 24 foot and 10 foot by 26 foot L-shaped porch and enclosure of the existing 8 foot by 24 foot open porch. The enclosed porch and the new porch would both be set back 81 feet from the normal high water mark of Lower Richardson Lake. The combined footprint of all existing and proposed structures within 100 feet of the waterbody would be approximately 798 square feet.
11. Under provisions of Section 10.26,D,1 of the Commission's Land Use Districts and Standards the minimum setback for residential structures is 100 feet from waterbodies such as Lower Richardson Lake.
12. Under the provisions of Section 10.11,C,1 of the Commission's Land Use Districts and Standards, an addition to a legally existing nonconforming dwelling located between 75 feet and 100 feet from the normal high water mark of waterbodies such as Lower Richardson Lake, shall not exceed the maximum combined footprint of 1,500 square feet for all structures within 100 feet of the waterbody.
13. Under the provisions of Section 10.11,C,6 of the Commission's Land Use Districts and Standards, a permit is required for the complete or partial enclosure of decks and porches. Enclosure of decks and porches is not an expansion of floor area. The enclosure of the structure which results in additional stories is considered an expansion and must meet the provisions of Section 10.11,C,1,b. If any portion of the structure is located within 25 feet , horizontal distance, of the normal high water mark of a waterbody, complete or partial enclosure of that portion of the structure is prohibited.
14. The facts are otherwise as represented in Building Permit Application BP 6011, Amendment Request A, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The applicants' proposal would be in compliance with Section 10.11,C,1 of the Commission's Land Use Districts and Standards in that the proposed porch addition to the camp located 81 feet from the lake, in combination with all the structures within 100 feet of the lake, would have a combined footprint of less than 1500 square feet.
2. The proposed enclosure of the open porch would be in compliance with Section 10.11,C,6 of the Commission's Land Use Districts and Standards in that the enclosure of the open porch would not result in additional stories and would not be located within 25 feet of the waterbody.
3. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A. and the provisions of Section 10.11,B,1 of the Commission's Land Use Districts and Standards.

**Therefore, the staff approves the amendment request of David McDonald, Paula McDonald William Seed, and Pam Seed with the following conditions:**

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. All authorized structures must be set back a minimum of 81 feet from the normal high water mark of Lower Richardson Lake and 15 feet from other property boundary lines.
3. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
4. Once construction is complete, the permittees shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittees shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
5. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
6. All conditions of Building Permit BP 6011 shall remain in effect except as modified by this amendment.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Regulation Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 19<sup>TH</sup> DAY OF NOVEMBER, 2004.

By:   
for Catherine M. Carroll, Director